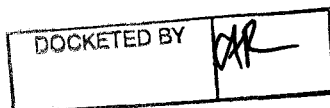




BEFORE THE ARIZONA CORPORATION COMMISSION

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Chairman
WILLIAM A. MUNDELL
Commissioner
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Commissioner

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In the Matter of the Application of OCMC,)
Inc. to Obtain a Certificate of Convenience) Docket No. T-04103A-02-0274
and Necessity From One Call)
Communications, Inc. d/b/a Opticom to) Docket No. T-02565A-02-0274
Provide Telecommunications Services as a)
Provider of Resold Interexchange Services) **EXCEPTIONS TO**
and Alternative Operator Services Within) **RECOMMENDED OPINION AND**
the State of Arizona) **ORDER**
)
)
)

OCMC, Inc. ("OCMC"), through this filing, respectfully submits the following exceptions to the Recommended Opinion and Order ("ROO") dated November 5, 2004. As set forth below, OCMC requests that the Commission revise certain of the compliance filing deadlines to account for the transition occurring as part of this transaction. Furthermore, OCMC requests that the Commission grant the waiver requested pursuant to AAC R14-2-1006.

1 **I. OCMC Requests Thirty Days in Which to Make Certain Compliance**
2 **Filings**

3 As recognized in paragraph 4 of the Recommended Opinion and Order, this
4 case involves the transfer of One Call Communications, Inc.'s ("Opticom") Certificate of
5 Convenience and Necessity to OCMC. Staff has recommend approval of that transfer
6 subject to certain conditions. ROO at ¶¶ 4, 38-40. Because this matter involves a
7 transfer, OCMC respectfully requests that the compliance filings required under
8 paragraphs 39 and 40 be amended so that OCMC may make those filings "within 30 days
9 of the effective date of this Decision." As currently written, the Order would require
10 OCMC to make these filings "30 days prior to providing service." Given the need for
11 continuing service to customers, OCMC submits that the proposed language is more
12 appropriate and will meet the Commission's goal of confirming that these compliance
13 items are completed in a timely manner and properly filed with the Commission.

14 **II. Granting OCMC a Waiver Pursuant to AAC R14-2-1006 Is in the Public**
15 **Interest**

16 The Recommended Opinion and Order provides for a denial of OCMC's
17 request for a waiver to allow it to complete zero minus calls. As set forth below, OCMC
18 recognizes the importance of completing these calls in a quick and accurate manner and
19 firmly believes that it has provided the Commission with sufficient information to merit
20 the granting of a waiver pursuant to AAC R14-2-1006. Without this waiver, competition
21 in this market will be eliminated, and customers, none of whom has shown any
22 dissatisfaction with this service, will be disrupted. For the reasons stated below, OCMC
23 believes that granting this waiver is in the public interest.

1 A. **OCMC Has Provided Sufficient Evidence to Support a Waiver**
2 **Pursuant to AAC R14-2-1006.**

3 As part of this waiver request, OCMC provided detailed information
4 regarding the facilities to be used to process zero minus calls and its zero minus call
5 completion procedures. *See* Exhibit A-1. As set forth in Staff's Supplemental Report and
6 as recognized in the Recommended Opinion and Order, Staff specifically found that
7 OCMC has the ability to process zero minus calls as accurately and reliably as Qwest. *See*
8 Supplemental Staff Report(8/23/04) at 3; ROO at ¶ 20. Staff also concluded in an earlier
9 Report that based on the information provided, OCMC has the ability to quickly process
10 zero minus emergency calls. *See* Amended Staff Report (4/26/04), at 8. However, despite
11 these findings, Staff and the Administrative Law Judge found that, because OCMC could
12 not demonstrate conclusively that its call processing times for zero minus emergency calls
13 equaled those of Qwest, OCMC's request for a waiver should be denied.

14 OCMC fully recognizes and appreciates the importance of quick and
15 accurate processing of zero minus emergency calls. *See* Hearing Transcript (Tr.) at 27.
16 For this reason, OCMC uses state-of-the-art systems and technologies and closely
17 monitors processing times and processing quality of all zero minus calls, including
18 emergency calls. *See* Tr. at 18-19, 27. OCMC also believes that call processing speeds
19 for zero minus calls must be balanced with the quality of such processing so that callers
20 are routed to the appropriate agencies in the appropriate manner. Given these competing
21 interests, OCMC submits that based on its extensive experience in this field that its zero-
22 minus emergency call processing appropriately balances these competing interests. *See*
23 Tr. at 27-28.

24 As set forth in the Recommended Opinion and Order, OCMC's call
25 processing times are within seconds of those reported by Qwest. *See* ROO at ¶ 30 n. 4.
26 It is important to note, however, that the processing times reported for both Qwest and

1 OCMC include non-emergency call processing, such as dialing instructions, time of day,
2 and calling card calls. These types of calls necessarily impact the average times and given
3 the volume of non-emergency calls processed by Qwest, it is not surprising that its total
4 average call processing times are less than those provided by OCMC. As OCMC has
5 stated throughout this process, it does not dispute that Qwest processes its zero-minus
6 emergency calls in a quick and accurate manner. However, based on the use of similar
7 technologies and qualified operators, OCMC submits that its call processing times are
8 necessarily as quick and accurate as those of Qwest. *See* Tr. at 27-28. Furthermore, as
9 Mr. Hill testified at the hearing, based on-going test calls and based on OCMC's extensive
10 experience in processing these calls since 1991, OCMC believes that its call processing
11 times specifically for zero minus emergency calls meet or exceed those of Qwest. Tr. at
12 16, 27-28. Indeed, OCMC is currently authorized to complete zero minus calls in thirty
13 states and has never received a complaint regarding that service. *See* Exhibit A-1; Tr. at
14 16.

15 During the rulemaking process in which AAC R14-2-1006 was approved,
16 the Commission described the waiver provision as follows: "This procedure will permit
17 the Commission to examine the AOS provider's emergency call handling capability,
18 training procedures, and emergency telephone number database to insure that emergency
19 calls can be rapidly and accurately routed." Decision No. 58421 App. B, at 23. As
20 described above, this is the type of information that OCMC provided to the Commission
21 and upon which the Commission Staff based its finding that "OCMC has the capability to
22 process zero-minus calls quickly and accurately." Accordingly, OCMC submits that its
23 filing has met the standards required by the Rule and warrants that a waiver be granted.
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25
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1 **B. OCMC's Predecessor Has Operated without Incident Pursuant to**
2 **a Waiver Granted by the Commission**

3 In consideration of this waiver request, it is also important to note that
4 Opticom, the assets of which the management of Opticom (which formed OCMC, Inc.)
5 purchased as part of this transfer, has provided zero minus call completion in Arizona
6 since 1995 and was granted a waiver by the Commission in Decision No. 61274. In that
7 Decision, the Commission based its decision, at least in part, on Staff's finding that "the
8 Company has provided the Staff with the necessary data to clearly and convincingly
9 demonstrate that it has the capability to process zero-minus calls with equal quickness and
10 accuracy as provided by the LEC." In this case, because OCMC is the successor to
11 Opticom, it would be providing completion of zero minus calls in the same manner as
12 Opticom, except that the technology and processes now in use by OCMC are superior to
13 those approved for Opticom in Decision No. 61274. Indeed, there is no record of any
14 complaint being filed at the Commission (or in any jurisdiction) relating to zero minus call
15 completion by Opticom. This serves to further support a finding that a waiver is
16 appropriate for OCMC.

17 **C. Allowing OCMC to Complete Zero Minus Calls Is in the Public**
18 **Interest**

19 As set forth above, OCMC believes that it has submitted adequate
20 information pursuant to AAC R14-2-1006. However, if it is determined that the Rule
21 requires OCMC to submit data showing conclusively that emergency-specific call
22 processing times meet or exceed those of Qwest, then OCMC submits that a waiver of that
23 requirement pursuant to AAC R14-2-1014 is in the public interest. In this case, if OCMC
24 is not provided the waiver requested, it will lead to customer disruption. If a waiver is
25 denied for OCMC, it will be required to notify customers that it can no longer complete
26

1 those calls. This will lead to disruption, including re-programming of systems to route
2 calls to the LEC. In this case, when there is no evidence that any of the customers are
3 dissatisfied with the call completion being provided, a change is not warranted.

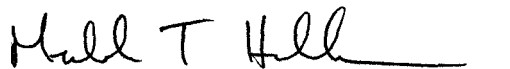
4 In addition, OCMC is not aware of any other provider that has received a
5 waiver of this requirement. Accordingly, the denial of OCMC's waiver request will
6 eliminate competition for the completion of zero minus calls and operator services which
7 currently exists and will provide customers with fewer choices. Because the waiver relates
8 to all zero minus call completion, not only emergency calls, OCMC will be removed from
9 the zero-minus market, and Qwest will be a monopoly provider in this area, which will
10 serve to further degrade telecommunications competition in Arizona.

11 **III. Conclusion**

12 For the reasons set forth above, OCMC submits that it has complied with
13 AAC R14-2-1006 and that a waiver is appropriate and should be granted. In the
14 alternative, if it is determined that OCMC has not met the standard set forth in AAC R14-
15 2-1006, OCMC requests that it is in the public interest to grant a waiver of that
16 requirement pursuant to AAC R14-2-1014. OCMC further requests a revision to the
17 compliance filing requirements set forth in paragraphs 39 and 40 to allow OCMC to make
18 those filings within "within 30 days of the effective date of this Decision."

19
20 DATED this 15th day of November, 2004.

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22 

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4 November, 2004, with:

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11 November, 2004, to:

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